

Message Text

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ACTION OES-04

INFO OCT-01 NEA-09 IO-10 ISO-00 FEA-01 ACDA-05 CIAE-00

INR-07 L-02 NSAE-00 NSC-05 RSC-01 AF-06 ARA-06 EA-06

EUR-12 SSO-00 INRE-00 /075 W
----- 116947

O P 100837Z JAN 75

FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC IMMEDIATE 5365

INFO AEC GERMANTOWN IMMEDIATE

AMEMBASSY TEL AVIV PRIORITY

C O N F I D E N T I A L IAEA VIENNA 0147

EO 11652: GDS

TAGS: PARM TECH IAEA IS

SUBJ: US-ISRAEL-IAEA TRILATERAL SAFEGUARDS AGREEMENT

REF : A. STATE 4544; B. IAEA VIENNA 0146

1. MISSION INFORMED RAMES, IAEA LEGAL DIVISION AND ISRAELI
RES REP EDEN OF TEXTUAL CHANGES CONTAINED REFTEL A.

2. REACTION OF RAMES (SUBJECT TO FURTHER STUDY AND CONSULT-
ATION WITH FISCHER AND ROMETSCH) WAS FAVORABLE WITH EXCEPTION
FOLLOWING:

A) RE CHANGE IN LINE 4, SECTION 9(A), PROPOSED PARA 1(C)
REFTEL A, CORRECT ORDER IS "THE AGENCY, ISRAEL AND THE UNITED
STATES".

B) QUESTIONED NECESSITY OF CHANGE IN SECTION 9(B)(2), PRO-
POSED PARA 1(E) REFTEL A, AND THOUGHT MADE NO DIFFERENCE WHETHER
SECTION 12 OR 10(A)(3) REFERENCED.

C) WAS COMPLETELY BAFFLED BY CHANGES PROPOSED TO SECTIONS
10(A)(2) AND 10(A)(3), PROPOSED PARAS 1(F) AND 1(G) REFTEL A
AND REQUESTED EXPLANATION OF NECESSITY FOR CHANGES.

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3. EDENS'S REACTION (INDEPENDENT OF RAMES) WAS THAT CHANGES PROPOSED PARAS 1(F) AND 1(G) REFTEL A WOULD COMPLICATE CONSIDERATION BY TEL AVIV AND WOULD GENERATE ENDLESS QUESTIONS RE OTHER POINTS AS EITHER NON-SUBSTANTIVE OR AS HAVING BEEN ADDRESSED IN DISCUSSION REPORTED REFTEL B.

4. MISSION CONFESSES THAT ITS SALES EFFORT RE SECTION 10(A)(2) AND (3) WAS HANDICAPPED BY LACK OF CONVICTION OF MERITS OF PRODUCT. IT IS NOT RPT NOT CLEAR TO MISSION THAT SPECIAL FISSIONABLE MATERIAL SUBJECT TO SAFEGUARDS PRODUCED IN ANOTHER JURISDICTION AND TRANSFERRED TO ISRAEL UNDER BILATERAL WAS EXCLUDED FROM 10(A)(2), AS ORIGINALLY FORMULATED. WE ASSUMED THAT BOTH 10(A)(1) AND 10(A)(2) REFER ONLY TO ITEMS TRANSFERRED UNDER BILATERAL. INCLUSION OF EXPLICIT REFERENCE TO BILATERAL IN PROPOSED ADDITION TO 10(A)(3) CASTS DOUBT ON THAT ASSUMPTION. IF ADDITION IS ESSENTIAL, SUGGEST PHRASE "UNDER THE AGREEMENT FOR COOPERATION" BE ADDED TO BOTH 10(A)(1) AND 10(A)(2) AFTER "ISRAEL" IN EACH CASE. THEN, IN 10(A)(2), INSERT AFTER "COOPERATION" PHRASE ", INCLUDING ANY SPECIAL FISSIONABLE MATERIAL, SUBJECT TO AGENCY SAFEGUARDS, PRODUCED IN A JURISDICTION OTHER THAN THE UNITED STATES OF AMERICA, OR MATERIAL SUBSTITUTED FOR SUCH TRANSFERRED MATERIAL IN ACCORDANCE WITH PARAGRAPH 25 OR 26(D) OF THE SAFEGUARDS DOCUMENT;".

5. THIS APPROACH WOULD AT LEAST AVOID COMPLEXITY OF CHANGING 10(A)(3) AND CONSEQUENT NECESSITY FOR EXCEPTION IN 10(A)(3) AND CONSEQUENT NECESSITY FOR EXCEPTION IN 10(A)(2). MISSION FEARS, HOWEVER, THAT EFFORT AT THIS LATE STAGE TO CHANGE TEXT ARTICLE 10(A)(2) AND (3) ORIGINALLY PROPOSED BY U.S., UNLESS IMMEDIATE, SIMPLE, CLEAR AND PERSUASIVE JUSTIFICATION PROVIDED TO BOTH IAEA AND ISRAEL, WOULD SERIOUSLY JEOPARDIZE AGREEMENT ON TEXT AND CIRCULATION TO BOARD MEMBERS NLT JANUARY 17, WHICH IS CONSIDERED ABSOLUTE DEADLINE FOR CONSIDERATION BY FEBRUARY BOARD.

6. ADVISE SOONEST. PORTER

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